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Invasion of Privacy

For more than two years, a subcommittee of the Senate judiciary committee has been investigating the problem of unwarranted governmental invasion of the privacy of federal employees. Finally, a bill to cope with the problem was ready for Senate floor debate. The Central Intelligence Agency stepped in hours before consideration of the bill, asked for a delay, and got it.

Understandably upset was Sen. Sam J. Ervin, D-NC, chairman of the standing subcommittee on constitutional rights. Such a request by a federal agency, he said, was "without precedent." Majority Leader Mike Mansfield, D-Mont, agreed but said he granted it to give the agency time to explain its objections to leaders of the Senate.

Two years is ample time for any agency to make its case. The CIA has done so in documents stamped "secret" and in discussions with committee staff members, according to Senator Ervin. CIA objections were so "specious," the senator said, that he insisted any CIA testimony be given publicly. On two occasions, it is reported, the agency declined.

Postponement of the floor debate until Sept. 19 is not critical. However, the cloak and dagger perambulations of the CIA over this important measure to insure constitutional rights raises a question about methods that are foreign to a democratic government.

That this legislation is necessary to protect the privacy of 2.5 million Americans who work for the federal government is well documented by evidence and testimony in the subcommittee's files. In a report issued last month, the subcommittee reached this conclusion: "Many of the government's personnel policies and practices constitute denials of procedural and substantive due process. For example, an applicant for employment refusing to submit to testing or offensive questioning would be denied further consideration. Threats of dismissal have faced employees who refused to complete extensive questionnaires concerning their assets and liabilities and those of members of their families. Threats of denial of promotion or awards and of detrimental evaluation reports have resulted from employee refusal or reluctance to contribute a given amount in a charity or bond drive."

Reportedly, the bill to curb these practices has been amended in several ways to meet CIA objections. Still, the CIA has not been granted full exemption, as the Federal Bureau of Investigation has, and therein may lie the rub.

Blanket exemption for any agency, even the favored FBI, is inconsistent with constitutional guarantees.

Reforms in the treatment of federal employees have been needed for years. There is no question that many jobs in the federal government are to some degree sensitive and require that careful screening procedures be followed. This does not, however, justify unbridled invasion of the individual's privacy.

A system that is fair, that imposes due restraint upon officials who determine agency practice, is a matter that must be dealt with. Further delay beyond Sept. 19 should not be countenanced by Mr. Mansfield, the CIA notwithstanding.